

December 23, 2016

VIA FOIA ONLINE
Freedom of Information Officer
U.S. Environmental Protection Agency
Washington, D.C. 20460

RE: FOIA Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, as amended, and the FOIA regulations promulgated by the U.S. Environmental Protection Agency ("EPA") in 40 C.F.R. Part 2, I hereby request copies of, and/or the opportunity to inspect, all records, information, and documents in your custody and control, regardless of format, medium, or physical characteristics, and including electronic records and information, audiotapes, videotapes and photographs of the following:

1. The pesticide cooperative agreement between EPA and the Hawaii Department of Agriculture (HDOA) in effect during fiscal years 2015-2016 including all appendices, referred to policies, guidance and manuals, and the Case Preparation and Enforcement Procedures relating to pesticide episodes (incidents) reporting, investigation and enforcement actions in the State of Hawaii.
2. The pesticide consolidated performance partnership grant enforcement workplan between EPA and the Hawaii Department of Agriculture (HDOA) in effect during fiscal years 2015-2016 including all appendices, referred to policies, guidance and manuals.
3. Copies of all HDOA and Hawaii Department of Health (HDOH) inspections reports, summaries, recommendations, conclusions, actions, action plans, correspondence, and related documents which were provided to EPA for inspections conducted by HDOA concerning the Syngenta Kauai January 20, 2016 incident and related alleged Worker Protection Standard (WPS) violations.
4. Copies of any draft and final inspection and/or investigation reports including the WPS investigation jackets prepared by EPA, HDOA or HDOH concerning the Syngenta Kauai January 20, 2016 incident.
5. Copies of any and all correspondence and records between EPA and HDOA regarding alleged federal WPS violations requesting or requiring EPA action submitted to EPA Region 9 for the past five fiscal years including the Syngenta Kauai January 20, 2016 incident.
6. Copies of EPA's status reports of inspections referred to EPA Region 9 for enforcement and resulting actions regarding the Syngenta Kauai January 20, 2016 incident.

7. Copies of all referral, correspondence, and documents provided to EPA by HDOA and by EPA to HDOA for alleged federal and/or State WPS violations in the last five fiscal years under pesticide cooperative agreements.
8. All federal and state WPS alleged violations investigated by EPA in the State of Hawaii active and/or closed during the last five fiscal years including but not limited to WPS “Tier I” and “Tier II” inspections, as defined or categorized in the applicable pesticide cooperative agreement and/or pesticide consolidated performance partnership grant enforcement workplan.
9. All “high-level pesticide Episodes and Complaints” or “priority investigations” reported to EPA by HDOA during the last five fiscal years, as defined or categorized in the applicable pesticide cooperative agreement and/or pesticide consolidated performance partnership grant enforcement workplan, whether or not considered a Section 27(a) referral.
10. All “high-level pesticide Episodes and Complaints” or “high level episodes” reported to EPA by HDOA during the last five fiscal years and referred to EPA for investigation and/or enforcement action.
11. Any report or entry in the HDOA database for the management system that tracks all pesticide inspections, alleged violations found, and enforcement actions initiated that concern Syngenta for the last five fiscal years.
12. Copies of any pesticide program evaluations made by EPA of HDOA under the pesticide cooperative agreement for each of the last five fiscal years.
13. Copies of quarterly reports made by HDOA and provided to EPA under the pesticide cooperative agreement and described in the EPA-Hawaii Pesticide Consolidated Performance Partnership Grant Enforcement Workplan during the last five fiscal years including but not limited to the following: Pesticides Enforcement Cooperative Agreement Output Summary reported on the FIFRA Work Plan-Report template, narrative of accomplishments and significant enforcement actions, pesticide enforcement outcome measures using the program assessment rating tool (PART) reporting form, and the narrative status of program activities which have been funded by EPA.
14. Copies of any evaluations, summaries or reports by EPA of WPS-related activities conducted by the HDOA under the pesticide cooperative agreements including but not limited to end of year reviews and any report, draft or final, sent to HDOA.
15. The status of any EPA-issued federal credential of all HDOA inspectors during the last five fiscal years and any training they received by EPA that involves directly or indirectly the FIFRA Worker Protection Standard.
16. All correspondence between (or copying) HDOA, HDOH and EPA, including Region 9, OECA, and the Office of the Administrator, concerning the investigation of the Syngenta Kauai January 20, 2016 incident.

17. All correspondence between or copying of any employee, agent, or representative of EPA (in particular Region 9 and OECA) and any third party (including Earthjustice) concerning EPA's and/or HDOA's investigation of the Syngenta Kauai January 20, 2016 incident.
18. All notes, logs, minutes, summaries, and reports of meetings between any employee, agent, or representative of EPA (in particular Region 9, the Office of the Administrator, and OECA) and any third party (including Earthjustice) concerning EPA's and/or HDOA's investigation of the Syngenta Kauai January 20, 2016 incident.
19. Any records, reports, and other documents relating to compliance assistance activities performed by HDOA, EPA, or their contractors at the Syngenta Kauai, Kekaha, Hawaii facility during the past five fiscal years.
20. All EPA Office of Pesticide Programs' notes, minutes, summaries, assessments, evaluations and reports relating to (i) the Syngenta Kauai January 20, 2016 incident and/or (ii) the potential for dermal or inhalation exposure, effects and symptoms based on workers entering a field prior to expiration of the REI (restricted-entry interval) for Lorsban Advanced.

Please note that (1) all references to "correspondence" in the list above shall mean and include emails and email attachments and other electronic or hard copy messages, letters, memos or correspondence; and (2) all references to "third party" above shall mean and include all persons, organizations, agencies, firms and companies other than Syngenta or EPA.

I request that EPA identify and produce all responsive records from any EPA office where such records may be found. If all or any part of this request is denied, I request that I be provided with a written statement of the grounds for the denial. If you determine that some portions of the requested records are exempt from disclosure, please provide me with the portions that can be disclosed.

I request that responsive records be released as soon as they are available. To the extent that some subset of the requested records is readily available, please forward them to me while EPA searches for other records. Please provide the requested records in electronic format (on a thumb drive, for example) if it is more convenient for the Agency.

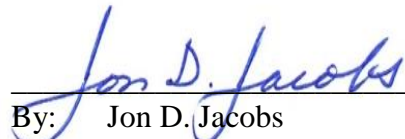
In order to help to determine my status for purposes of determining the applicability of any fees, you should know that I am a law firm. Please advise me as to the cost, if any, for inspecting the records described above. I authorize costs up to \$1,000 associated with copy and review time to respond to this request. Please let me know if the costs will exceed this amount. If you estimate that the fees will exceed this limit, please inform me first and provide a written estimate of assessable fees. If you have adopted a fee schedule for obtaining copies of records and other rules or regulations implementing the Act, please send me a copy.

Please note that in responding to this request EPA must maintain and safeguard the confidentiality of all settlement-related correspondence, communications, and documents exchanged between Syngenta and EPA related to the Syngenta Kauai January 20, 2016 incident.

I look forward to receiving disclosable records promptly and, in any event, to a decision about all of the requested records within 30 days. Please contact me at 703-740-7986 with any questions concerning this request. Thank you.

Sincerely,

JACOBS STOTSKY PLLC

A handwritten signature in blue ink, reading "Jon D. Jacobs", is written over a horizontal line.

By: Jon D. Jacobs
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